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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,802	11/17/2003	Gerard Gomes	8533/GDM	5196

20349 7590 03/03/2005

POLAROID CORPORATION  
PATENT DEPARTMENT  
1265 MAIN STREET  
WALTHAM, MA 02451

EXAMINER

SCHILLING, RICHARD L

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,802

Applicant(s)

GOMES ET AL.

Examiner

Richard L. Schilling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,9,11-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,6-8,10,14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-6-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. Claim 15 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. There is no antecedent basis for the term "said ethoxylated polymer" in claim 15 since parent claim 9 does not contain the polymers.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 9 and 11-13 are rejected under 35

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U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over December et al. December et al. (see particularly column 7, lines 26-40; column 8, lines 1-7 and lines 45-65; column 9, lines 9-43; column 11, line 68 - column 12, line 10; the Figure) discloses photographic elements comprising supports, image receiving layers, overcoat layers and silver halide emulsion layers wherein the elements comprise quaternary ammonium salts of polyacrylic acid. December et al. discloses that the quaternary ammonium salts of the polymeric anions, i.e. polyacrylic acid, may be located in the overcoat layers between the image receiving layers and silver halide emulsion layers which would provide quaternary ammonium salts of polyacrylic acid in coatings over the image receiving layers as required by the instant claims. If December et al. do not anticipate the instant claims, then it would at least be obvious to one skilled in the art to use the disclosed polyacrylic acid as the called for anionic polymer and quaternary compounds within the scope of Formula 1 of December as the called for quaternary compounds.

3. Claims 2, 6-8, 14 and 16 are objected to as depending on rejected claims but would be allowable if written in proper independent form. December et al. does not disclose the polymers of instant claim 2 for use in their overcoats or disclose the

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use of ammonium chloride as the quaternary salts.

4. Carlson et al. is cited of interest in the art as disclosing stripping layers comprising ammonia and hydrophilic colloids including polymethacrylic acid. Land is cited of interest in the art as disclosing polymethacrylic acid stripping layers. The prior art cited by applicants has been considered. Fehervari et al. is cited of interest in the art as disclosing acrylic acid copolymers as stripping layers. The prior art does not disclose the use of polyacrylic acid homopolymers as stripping layers or the quaternary nitrogen salts thereof as stripping layers although December et al., applied above, does disclose the use of such homopolymers in locations as required by the instant claims.

5. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

RLSchilling:cdc

March 1, 2005

RICHARD L. SCHILLING  
PRIMARY EXAMINER  
GROUP 4100-1752

